



**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
CIBOLA NATIONAL FOREST
SANDIA RANGER DISTRICT**

**OCCUPANCY AND USE CLOSURE
PUBLIC NUDITY**

PROHIBITIONS

Pursuant to 36 CFR 261.50(a) and (b), the following acts are prohibited on the area, roads and trails described in this Order, and as depicted on the attached map hereby incorporated into this Order as Exhibit A, within the Sandia Ranger District, Cibola National Forest, Bernalillo and Sandoval Counties, New Mexico.

1. Being publicly nude. **36 CFR 261.58(j)**

Publicly nude means nude in any place where a person may be observed by another person. Any person is nude if the person has failed to cover the rectal area, pubic area or the genitals. A female person is also nude if she has failed to cover both breasts below a point immediately above the top of the areola. Each such covering must be fully opaque. No person under the age of 10 years shall be considered publicly nude (36 CFR 261.2).

EXEMPTIONS

Pursuant to 36 CFR 261.50(e), the following persons are exempt from this order:

1. Persons with a permit specifically authorizing the otherwise prohibited act or omission. Such permits will require compliance with New Mexico Statute 30-9-14 for Indecent Exposure. This Statute specifies: A. Indecent exposure consists of a person knowingly and intentionally exposing his primary genital area to public view; B. As used in this section, "primary genital area" means the mons pubis, penis, testicles, mons veneris, vulva or vagina.

AREA DESCRIBED

The restricted area is described as: All National Forest System lands within the boundaries of the Sandia Ranger District, Cibola National Forest. The closure is shown on the attached map hereby incorporated into this Order as Exhibit A.

PURPOSE


The purpose of this Order is to provide for public health and safety in an area of high visibility and high use.

This Order is in addition to all Closure Orders in effect for the Sandia Ranger District, and does not alter or negate the effect of those Orders. This Order supersedes any previous Order prohibiting or restricting the same, or similar, acts in the above-described areas.

IMPLEMENTATION

1. This Order will be in effect from the date signed, and shall remain in effect until rescinded or until December 31, 2012, whichever occurs first.
2. Any violation of this prohibition is punishable as a Class B misdemeanor by a fine of not more than \$5,000.00 for individuals and \$10,000.00 for organizations or by imprisonment for not more than six (6) months, or both. [Title 16 USC 551, Title 18 USC 3559, 3571, and 3581]
3. This Order supersedes, rescinds, and replaces any previous orders prohibiting the same acts covered by the Order.

Done at Albuquerque, New Mexico, this 3rd day of February, 2011.


NANCY ROSE
Forest Supervisor
Cibola National Forest

Assessment of Need (Justification) and Enforcement Plan

1. Background. This order is being prepared to update the format of the order prohibiting public nudity on the Sandia Ranger District. The purpose of this order has been and is to protect general visitors sensitive to public nudity from human disturbance. The special closure will minimize one form of human disturbance to families, school groups, and international visitors visiting National Forest Lands in the Albuquerque Metropolitan Area (see Special Area Closure map attached to Order # 03-0361). An order is needed to be able to cite persons unwilling to comply with the special closure.

2. Intent of Subpart B order. This order is written to provide for general Occupancy and Use in the Sandia Ranger District.

3. Enforcement Plan. The following activities will occur in order to implement this special order in a manner that results in public acceptance and safety:

<u>Action</u>	<u>Responsible Official</u>	<u>Date</u>
Prepare proposed order	Susan Johnson, Forester, Sandia Ranger District, Cibola National Forest	1/10/11
Review proposed order (Law Enforcement)	Aban Lucero, Patrol Captain, Southwest Region, USFS	1/12/11
Approve proposed order	Nancy Rose, Forest Supervisor, Cibola National Forest	2/3/11
Post order in accordance with 36 CFR 261.51	Volunteers, Forest Service LEOs and FPOs, and all available staffs	
Prepare news release for local media describing the PAO order and management objectives/post to website/notify COIDC/copy to each receptionist/frontliners		
Notices will be used at access points advising of the closure for implementation.	Appropriate Staff Law Enforcement Officers Forest Protection Officers Cibola National Forest employees Volunteers	

Enforcement Plan approved for implementation:


FOREST SUPERVISOR

DATE 2/3/2011

